

by September 1, 2017). On August 15, 2017, Defendants filed an Unopposed Motion for Extension of Time [Doc. No. 76] seeking to extend their deadline to file an answer or to otherwise respond to Plaintiffs' live pleading until August 31, 2017, which the Court granted on August 16, 2017 via an electronic order.

Defendants have indicated that they intend to file a number of counterclaims as part of their responsive pleading for which they also intend to allege substantial damages. Their claims are likely to impact the appropriate scope and topics for discovery in this matter. However, because the deadline for Defendants' time to file such claims was extended to August 31, it is now one day before the deadline to submit a proposed scheduling order. Given the proximity of these two dates, Plaintiffs submit that a short extension of the deadline to submit a proposed joint scheduling order is appropriate to allow them to evaluate Defendants' new claims and allow the parties to develop appropriate discovery structure, limitations, and deadlines.

Plaintiffs therefore request that the Court extend the parties' deadline to submit a joint proposed scheduling order until and including September 11, 2017. This extension is not sought for the purpose of delay but so that justice may be served. To the contrary, Plaintiffs are seeking an opportunity to review Defendants' new claims prior to conferring regarding the scope and limitations on discovery in this matter.

Further, a brief, 10-day extension will not impact the resolution of this case. Counsel for Plaintiffs has conferred with counsel for Defendants, and they are not opposed to the request for an extension of time to submit a joint proposed scheduling order. Thus, Plaintiffs' request will not prejudice Defendants in this matter.

II. CONCLUSION

For these reasons, Plaintiffs respectfully request that the Court extend the deadline for the parties to submit a joint proposed scheduling order until and including September 11, 2017.

Dated: August 29, 2017.

By: /s/ Robert M. Hoffman
Robert M. Hoffman
Texas Bar No. 09788200
robhoffman@andrewskurth.com
James C. Bookhout
Texas Bar No. 24087187
jamesbookhout@andrewskurth.com
ANDREWS KURTH KENYON LLP
1717 Main Street, Suite 3700
Dallas, Texas 75201
Telephone: (214) 659-4400
Facsimile: (214) 659-4401

David P. Whittlesey
Texas Bar No. 00791920
dwhittlesey@andrewskurth.com
ANDREWS KURTH KENYON LLP
111 Congress Avenue, Suite 1700
Austin, Texas 78701
Telephone: (512) 320-9200
Facsimile: (512) 320-9292

ATTORNEYS FOR PLAINTIFFS
PNC BANK, N.A., COLUMBIA HOUSING SLP
CORPORATION, AND 2013 TRAVIS OAK
CREEK, LP

CERTIFICATE OF CONFERENCE

I certify that on August 28, 2017, I conferred with Kenneth Chaiken, counsel for Defendants, via email, and he indicated that Defendants are not opposed to the relief requested in this Motion.

/s/ Robert M. Hoffman

Robert M. Hoffman

CERTIFICATE OF SERVICE

I certify that on August 29, 2017, a copy of the foregoing document was served on counsel for the Defendants in this case via email.

/s/ Robert M. Hoffman

Robert M. Hoffman